

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CITY OF HUNTINGTON,

Plaintiff,

Civil Action No. 3:17-01362

v.

**AMERISOURCEBERGEN DRUG
CORPORATION, et. al,**

Defendants.

AND

CABELL COUNTY COMMISSION,

Plaintiff,

Civil Action No. 3:17-01665

v.

**AMERISOURCEBERGEN DRUG
CORPORATION, et. al,**

Defendants.

**NON-PARTY WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES
OFFICE OF DRUG CONTROL POLICY'S
MOTION TO QUASH DEFENDANT CARDINAL HEALTH'S SUBPOENA TO TESTIFY
AT A DEPOSITION IN A CIVIL ACTION**

COMES NOW Non-Party West Virginia Department of Health & Human Resources, Office of Drug Control Policy (ODCP) by counsel, Steven R. Compton, Deputy Attorney General, and B Allen Campbell, Senior Assistant Attorney General, and hereby files this Motion to Quash a subpoena served upon it via email on May 19, 2020 by counsel for defendant Cardinal Health Inc. ODCP specifically moves to quash a "Subpoena to Testify at a Deposition in a Civil Action," attached hereto as **Exhibit A**. Exhibit A further commands the production of documents. The return date on Exhibit A is

June 24, 2020. Counsel for ODCP and defendants conferred on June 2, 2020 to attempt to resolve their differences. Although progress was made and parties have agreed to continue discussions, a resolution was not reached during that conversation and ODCP files this motion to preserve its objections.

ODCP seeks to quash Defendant Cardinal Health Inc.'s subpoena because it does not allow ODCP a reasonable time to comply. See Fed. R. Civ. P. 45(c)(3)(i). Additionally, the broad scope of the subpoenas would render compliance unduly burdensome. As it pertains to the subpoena for a deposition, ODCP additionally moves for a stay of the June 24, 2020 Rule 30(b)(6) deposition for the reasons stated above in addition to social distancing and public health concerns related to the COVID-19 pandemic.

In the alternative, ODCP moves this Court to modify the subpoena in a manner that will expand the time for compliance to a period when the unprecedented pandemic-related office closures have ended. ODCP further requests modification that would limit the overly burdensome scope of the subpoenas.

Therefore, ODCP respectfully requests that its Motion to Quash the subpoena served upon it by Cardinal Health Inc. be granted. A proposed Order is attached.

DATED: June 2, 2020

Respectfully submitted,

WEST VIRGINIA DEPARTMENT OF
HEALTH & HUMAN RESOURCES,
OFFICE OF DRUG CONTROL POLICY

By Counsel,

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ATTORNEY GENERAL

/S/Steven R. Compton

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CERTIFICATE OF SERVICE

I, Steven R. Compton, Deputy Attorney General, do hereby certify that on June 2, 2020 the foregoing ***“NON-PARTY WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES, OFFICE OF DRUG CONTROL POLICY’S MOTION TO QUASH DEFENDANT CARDINAL HEALTH’S SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION”*** was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participant:

David R. Pogue, Esq.
Carey, Scott, Douglas & Kessler, PLLC

/S/Steven R. Compton
STEVEN R. COMPTON
DEPUTY ATTORNEY GENERAL